

**STATE OF HAWAII**  
**DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Strategic Industries Division**

**Analysis of Economic, Environmental, and Occupant Benefits of Sustainable  
Design and LEED™ Certification for State of Hawaii and K-12 Public School  
Facilities**

**SOLICITATION No. RFP-05-01-SID**

Sealed proposals will be received up to and opened at 12:00 p.m.

on

**SEPTEMBER 9, 2004**

in the Administrative Services Office/Contracts, No. 1 Capitol District, 250 S. Hotel  
Street., 5<sup>th</sup> Floor, Room 510-D, Honolulu, Hawaii, 96813.

Questions relating to this request for proposals may be directed to Ms. Eileen Harada,  
telephone 808-586-9312.

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### Exhibits

Exhibit A:	OFFER FORM OF-1
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### Attachments:

Attachment A:	DBEDT Special Conditions
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**Notice to Offerors:**

**REQUEST FOR PROPOSALS (RFP)**

**The Department of Business, Economic Development, and Tourism**

**Strategic Industries Division**

**Analysis of Economic, Environmental, and Occupant Benefits of Sustainable Design and LEED™ Certification for State of Hawaii and K-12 Public School Facilities**

**SOLICITATION No. RFP-05-01-SID**

Pursuant to the Hawaii Public Procurement Code, Chapter 103D, Hawaii Revised Statutes, the State Department of Business, Economic Development, and Tourism (DBEDT) is soliciting proposals for an analysis of Economic, Environmental, and Occupant Benefits of Sustainable Design and LEED Certification for State of Hawaii and K-12 Public School Facilities

Project Description:

The Hawaii Strategic Industries Division is soliciting proposals for services to assist with an analysis of economic, environmental, and occupant benefits of sustainable design and LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED™) Certification for State of Hawaii and K-12 Public School Facilities. Services will continue for twenty-four (24) months from the execution of Contract. Compensation for services provided shall not exceed \$80,000.

Requirements:

Proposals shall be received up to 12:00 p.m. Hawaii Standard Time (HST) on September 9, 2004 in the Administrative Services Office/Contracts, DBEDT, State of Hawaii, No. 1 Capitol District, 5<sup>th</sup> Floor, Room 510-D, 250 South Hotel Street, Honolulu, Hawaii, 96813. Proposal documents may be obtained from said office between the hours of 8:30 a.m. to 11:30 a.m. and 1:30 p.m. to 4:00 p.m., Monday through Friday, except for STATE holidays. All interested parties must register with said office at the time a proposal document is requested. PLEASE NOTE: REGISTRATION IS MANDATORY.

All proposals must comply with DBEDT General Terms and Conditions dated April 15, 1996. Offerors are encouraged to carefully read the entire proposal documents. Proposals must be submitted on DBEDT proposal forms and are encouraged to sign the original in Blue ink.

All proposals must comply with the Hawaii Administrative Rules (HAR) Section 3-122-112 (Attachment F) which requires the submission of the following certificates upon award of a contract under HRS section 103D-302, 103D-303, 103d-304, OR 103d-306:

- 1) Tax Clearance Certificate (Department of Taxation)
- 2) Certificate of Compliance (Department of Labor and Industrial Relations)
- 3) Certificate of Good Standing (Department of Commerce and Consumer Affairs)
- 4) Certificate of Final Payment/Tax Clearance Certificate (Department of Taxation)

Eileen Harada for  
Theodore E. Liu, Director  
Department of Business, Economic Development, and  
Tourism, State of Hawaii

**CAUTION!!!!**

1. **ALL PROPOSALS MUST BE SUBMITTED ON DBEDT PROPOSAL FORMS.**
2. **ALL INTERESTED PARTIES MUST REGISTER WITH THE DBEDT ADMINISTRATIVE SERVICES/CONTRACTS OFFICE. REGISTRATION MAY BE DONE AT TIME OF PACKET PICK-UP.**
3. **DBEDT ADMINISTRATIVE SERVICES/CONTRACTS OFFICE MUST RECEIVE ALL PROPOSALS NO LATER THAN 12:00 P.M., HAWAII STANDARD TIME (HST), SEPTEMBER 9, 2004.**
4. **ALL PROPOSALS MUST BE SUBMITTED ON DBEDT PROPOSAL FORMS AND FOLLOW PROPOSAL REQUIREMENTS INCLUDING PROVIDING ORIGINAL SIGNATURES. SIGNATURE IN BLUE INK IS ENCOURAGED.**
5. **OFFERORS ARE CAUTIONED THAT FEDERAL EXPRESS AND UNITED PARCEL SERVICE DELIVERIES ARE GUARANTEED UP TO 5:00 P.M. OF THE DESIGNATED DELIVERY DATE. OFFERORS ARE CAUTIONED TO MAKE PRIOR ARRANGEMENTS TO ENSURE DELIVERY BY 12:00 P.M., HST ON THE PROPOSAL DUE DATE.**

Proposal and registration forms are available at the:

Department of Business, Economic Development, and Tourism  
Administrative Services Office / Contracts  
No. 1 Capitol District  
250 So. Hotel Street, 5th Floor, Room 510D  
Honolulu, Hawaii 96813

Contact person: Eileen Harada, 808-586-9312

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**INTRODUCTION, SIGNIFICANT DATES, AND  
OFFICIAL CONTACT PERSON**

## INTRODUCTION, SIGNIFICANT DATES, AND OFFICIAL CONTACT PERSON

### A. INTRODUCTION

The Department of Business, Economic Development, and Tourism (DBEDT), Strategic Industries Division (SID) also referred to as the STATE in this solicitation seeks proposals from qualified organizations interested in providing analyses to support sustainable development in the State. The selected contractor will present an analysis to determine and quantify the tangible and intangible economic, environmental, and occupant benefits that would be realized by implementing sustainable design in State of Hawaii public facilities with emphasis on K-12 public school facilities. Economic, environmental, and occupant data related to life cycle cost and cost/benefit for public facilities and K-12 public schools will be gathered to support the analysis. A comparison of proposed sustainable construction/renovation life cycle costs and cost/benefits to current conventional design/construction life cycle costs and cost/benefits will be shown. In addition, this study will identify the costs and benefits to the State to require new and renovated K-12 public school facilities to be Leadership in Energy and Environmental Design (LEED<sup>TM</sup>) Certified in accordance with the rating systems developed by the U.S. Green Building Council. A Working Group consisting of representatives from the Hawaii State Departments of Education, Administration and General Services, Business, Economic Development, and Tourism, the University of Hawaii School of Architecture, a County, and the private sector will provide oversight and user agency input, concerns and feedback.

The completed analysis will contain an executive summary; data from results of research regarding the benefits of sustainable design compared to conventionally-designed, existing constructed projects; comparison of life cycle cost and cost/benefit (hard data) of sustainable design/new construction/renovation with present, conventional design/construction/renovation; two case studies specific to Hawaii public schools; implementation recommendations; and, related appendices.

The project supports the State of Hawaii's goal of stimulating the productivity of our economy and strengthening our existing infrastructure by increasing the use of more energy efficient technologies through public/private community partnerships.

## **B. SIGNIFICANT DATES**

- Advertising of RFP August 1, 2004
- Issuance of RFP August 2, 2004
- Deadline for Offeror's Written Questions. 4:00 p.m. August 16, 2004
- Response to Offeror's Questions and Addenda Deadline August 18, 2004
- Sealed Proposals Due, 12:00 p.m. September 9, 2004

## **C. OFFICIAL CONTACT PERSON**

The official contact person for all communication regarding the RFP is:

Eileen Harada  
Department of Business, Economic Development, and Tourism  
Administrative Services Office/Contracts  
No. 1 Capitol District  
250 S. Hotel St., 5<sup>th</sup> Floor, Room 510-D  
Honolulu, Hawaii 96813  
Telephone: (808) 586-9312  
Fax: (808) 586-2526

Official responses to questions shall be made through written addenda issued to all prospective Offerors. Offeror's attention is directed to the deadlines for questions and addenda stated above.



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**STATEMENT OF WORK**

## STATEMENT OF WORK

### A. OBJECTIVE

Proposals should reflect a clear understanding of the State of Hawaii's Energy Goals and Objectives and a knowledge of the LEED<sup>TM</sup> Rating System.

The objective of this project is to determine and quantify the tangible and intangible economic, environmental, and occupant benefits that would be realized by implementing sustainable design in State of Hawaii facilities.

The expected outcome is an analysis that will provide information on the cost/benefit of sustainable design to the State.

### B. SCOPE OF WORK

Task 1. Establish a Working Group to provide oversight and user agency input, concerns and feedback.

- a. Establish a Working Group with representatives from the Hawaii State Departments of Education, Administration and General Services, Business, Economic Development, and Tourism, the University of Hawaii School of Architecture, a County, and the private sector to provide user agency input and feedback as well as identify user agency interests and concerns.

Task 2. Research Tangible Sustainable Design and LEED<sup>TM</sup> Certification Benefits

- a. Research and gather available data on existing, constructed and occupied Sustainable and LEED<sup>TM</sup> Certified constructed and renovated projects that utilize passive envelope design strategies including daylighting, shading, orientation, natural ventilation, etc., and report on:
  - 1) Operational savings (Life cycle cost analysis) for LEED<sup>TM</sup>/sustainable construction/renovation compared to conventional construction/renovation for similar facilities;
  - 2) Tangible and intangible occupant benefits and savings for sustainable buildings compared to conventional buildings
  - 3) Environmental benefits and savings for sustainable buildings compared to conventional buildings;
  - 4) Comparison of cost of construction for LEED<sup>TM</sup> /sustainable buildings to conventional construction for similar facilities.

- b. Compare the total costs including the cost of LEED™ certification to total costs without LEED™ certification for the available building types;
  - 1) Discussion of costs of LEED™ certification and estimate of range of costs by building type and square foot, as appropriate; and
  - 2) Comparison of life cycle cost and cost/benefit (hard data) of sustainable new design/construction/renovation with present, conventional design/construction/renovation. (The intent is to show that sustainable buildings cost less in the long run).

Task 3. Case Studies – Waipahu Intermediate School (WIS) Cafeteria and one selected existing classroom/building/facility.

- a. Provide case studies of the new WIS Cafeteria that is designed to be LEED™ certified, and a model retrofit of a selected existing classroom/building/facility, and compare results to conventionally designed facilities of a similar type. Analysis to focus on estimated construction costs, estimated Life Cycle Costs, occupant benefits, environmental benefits, as follows:
  - 1) Compare the actual LEED™ design of the Waipahu Intermediate School Cafeteria with a recent Hawaii conventional cafeteria design; and
  - 2) Compare a recent conventional classroom facility with a modeled LEED™ designed classroom facility.

Task 4. Implementation Recommendations

- a. The analysis will project cost savings, operational savings, and environmental and occupant benefits to the State of Hawaii from adopting standards for sustainable design and LEED™ certification for public facilities including K-12 public school facilities new and renovated buildings, and provide data to support implementation recommendations, including but not limited to:
  - 1) Projected cost savings, operational savings, environmental and occupant benefits for K-12 schools, both new construction and major retrofits, compared by life cycle cost and cost/benefit;
  - 2) Project Funding, including construction and design components
  - 3) Consultant Selection Process
  - 4) Facility Planning Process
  - 5) Sustainable Design Implementation for new facilities
  - 6) LEED™ Certification Requirements
  - 7) Special Funds; and

- 8) Recommendations of parameters for buildings to be selected for LEED™ certification, such as square footage, cost of construction, and other.

Task 5. Final Report. A final report will be prepared in hard (5 copies) and electronic copy (MSWord). The report shall include, but not be limited to:

- a. Executive summary,
- b. Discussion of data from results of research conducted in Tasks 1, 2, and 3;
- c. Comparisons and conclusions regarding the life cycle cost and cost/benefit of sustainable design for new construction and retrofits compared to conventionally-designed, existing constructed projects;
- d. Results of analyses of two case studies specific to Hawaii public schools; and
- e. Implementation recommendations for the State, Counties, University of Hawaii, and Department of Education, and related appendices.

All tasks shall satisfy the requirements of this RFP, including DBEDT'S General Terms and Conditions dated April 15, 1996, attached hereto and incorporated herein, and all Special Conditions as shown in the section entitled "Special Conditions."

#### **C. TIME SCHEDULE**

1. All services shall be completed within twenty-four (24) months of the effective date of the contract unless extended or terminated as hereinafter provided.
2. All proposals shall submit a time schedule in accordance with instructions contained in the section entitled "Proposal Requirements."

#### **D. COMPENSATION**

1. Award will be made on a firm, fixed fee, including all taxes.
2. The proposal shall be priced and shall include a budget in accordance with the section entitled "Proposal Requirements."
3. Payment shall be made in predetermined installments contingent on the STATE's approval of specified deliverables or progress reports.
4. The CONTRACTOR shall be required to obtain a current tax clearance from the State of Hawaii Department of Taxation and the Internal Revenue Service prior to entering into a contract with the State and again to receive final payment. See paragraph D, "Tax Clearances," beginning on page 16.

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**EVALUATION CRITERIA**

## EVALUATION CRITERIA

### A. MINIMUM CRITERIA FOR PROPOSAL RESPONSIVENESS

1. Unfavorable references may be justification for rejection of a proposal.
2. DBEDT reserves the right to use whatever resources are available to the State to seek additional references in addition to those submitted in the proposal.
3. Submitting incomplete proposal documents or failure to sign the proposal documents may be justification for rejection of a proposal.
4. Failure to respond to comply with the specifications provided in the Solicitation or the requirements provided by the statutes or law.

### B. PROPOSAL EVALUATION CRITERIA

The Director shall appoint an Evaluation Committee. The committee shall evaluate responsive proposals in accordance with the section entitled "Proposal Requirements" and based on the following general criteria:

<u>Criteria</u>	<u>Total Possible Points</u>
1. <b>Qualifications/Experience</b>	
a. Prior experience	10
b. Experience with similar project(s)	10
c. LEED Accredited Professional™	15
2. <b>References</b>	10
3. <b>Comprehensiveness of Proposal</b>	
a. Comprehensiveness of proposal	10
b. Comprehensiveness of contractor and key personnel role	20
c. Innovative and cost-effective approaches	10
4. <b>Price</b>	5
5. <b>Availability to Perform Services</b>	10
<b>TOTAL POSSIBLE POINTS:</b>	<b>100 POINTS</b>

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**SPECIAL PROVISIONS**

## **SPECIAL PROVISIONS**

### **A. Preferences:**

The following preferences shall apply to this solicitation. The evaluated price shall be based on application of these preferences in the order specified below:

1. In-State Contractor. Preference shall be given to offerors within the State of Hawaii. Whenever an offeror selects and qualifies for an in-state contractor preference, all prices from offerors who do not select or qualify under the in-state contractor preference shall be increased by 5% for evaluation purposes. Offerors claiming this preference shall submit a tax clearance certified from the State of Hawaii, Department of Taxation within their proposal and must indicate a State of Hawaii business address.
2. Tax adjustment for out-of-state and tax exempt bidders. Where the offeror is an out-of-state vendor not doing business in the State or is a person exempted from paying the applicable general excise tax, the proposal price, for the purpose of determining the lowest price offer, shall be increased by the applicable retail rate of general excise tax and the applicable use tax.
3. Reciprocal preference. Resident offerors of the State of Hawaii may be given a reciprocal preference equal to the preference that an out-of-state offeror would be given in their own state. If the out-of-state offeror's state has a preference comparable to a Hawaii preference, the reciprocal preference shall be equal to the amount the out-of-state preference exceeds the Hawaii preference.

### **B. Proposals must be priced.**

### **C. Special Conditions:**

1. All work must comply with all applicable State, County, and Federal regulations, codes, and guidelines.
2. All work and products developed shall conform with all applicable City and County, State and Federal rules and regulations.
3. DBEDT reserves the right to reduce, amend, or expand the "Scope of Work."

### **D. Tax Clearance:**

#### **HRS Chapter 237 tax clearance requirement for award and final payment.**

Instructions are as follows:



The Awardee(s) shall be required to obtain a current tax clearance from the State of Hawaii Department of Taxation and the Internal Revenue Service prior to entering into a contract with the State and again to receive final payment.

It is recommended that the "Tax Clearance Application," Form A-6, be mailed to a DOTAX district office as soon as possible, as the process may take 21 calendar days before you receive a tax clearance. We also recommend that extra certified copies be requested, if responding to several competitive solicitations. Extra certified copies may be requested by writing or typing the number of copies next to the check box 3.c. on the application form. Offerors who repeatedly submit bids or proposals for State or county contracts should file frequently for a tax clearance.

Pursuant to §103D-328, HRS, successful Offeror shall be required to submit a tax clearance certificate issued by the Hawaii State Department of Taxation (DOTAX) and the Internal Revenue Service (IRS). The certificate is valid for six (6) months from the most recent approval stamp date on the certificate and must be valid on the date it is received by the purchasing agency.

The tax clearance certificate shall be obtained on the State of Hawaii, DOTAX *TAX CLEARANCE APPLICATION* Form A-6 (Rev. 2003) which is available at the DOTAX and IRS offices in the State of Hawaii or the DOTAX website, and by mail or fax:

DOTAX Website (Forms & Information):

<http://www.state.hi.us/tax/alphalist.html#a>

DOTAX Forms by Fax/Mail:

(808) 587-7572

1-800-222-7572

Completed tax clearance applications may be mailed, faxed, or submitted in person to the Department of Taxation, Taxpayer Services Branch, to the address listed on the application. Facsimile numbers are:

DOTAX: (808) 587-1488

IRS: (808) 539-1573

The application for the clearance is the responsibility of the Offeror, and must be submitted directly to the DOTAX or IRS and not to the purchasing agency.

The Contractor is required to submit a tax clearance certificate for final payment on the contract. A tax clearance certificate, not over two months old, with an original green certified copy stamp, must accompany the invoice for final payment on the contract.

**E. Department of Business, Economic Development, and Tourism (DBEDT):**

DBEDT Special Conditions shall apply to any award given pursuant to this solicitation. Said conditions are attached hereto and incorporated herein as "Attachment A."

**F. Proposals requesting more than \$80,000 in Federal funding shall be rejected.**

**G. Bonds:**

Bid security, performance, and material bonding are not required.

**H. General Terms and Conditions Not Applicable:**

Sections 2.9 and 2.12 of the General Terms and Conditions which apply specifically to the Invitation to Bid method of selection are not applicable to this solicitation.

**I. Method of Award:**

The successful offerors shall be awarded an "Agreement for Goods or Services Based upon Competitive Sealed Proposals" contract.

Reference Responsibility of Offerors in §3-122-112, HAR. Offeror shall produce documents to the procurement officer to demonstrate compliance with this section.

**HRS Chapter 237 tax clearance requirement for award and final payment.**  
See Item D, beginning on page 16.

**HRS Chapters 383 (Unemployment Insurance), 386 (Workers' Compensation), 392 (Temporary Disability Insurance), and 393 (Prepaid Health Care) requirements for award.** Instructions are as follows:

Pursuant to §103D-310(c), HRS, successful Offeror shall be required to submit an approved certificate of compliance issued by the Hawaii State Department of Labor and Industrial Relations (DLIR). The certificate is valid for six (6) months from the date of issue and must be valid on the date it is received by the purchasing agency.

The certificate of compliance shall be obtained on the State of Hawaii, DLIR *APPLICATION FOR CERTIFICATE OF COMPLIANCE WITH SECTION 3-122-112, HAR*, Form LIR#27 which is available at

[www.dlir.state.hi.us/LIR#27](http://www.dlir.state.hi.us/LIR#27), or at the neighbor island DLIR District Offices. The DLIR will return the form to the Offeror who in turn shall submit it to the purchasing agency.

The application for the certificate is the responsibility of the Offeror, and must be submitted directly to the DLIR and not to the purchasing agency.

**Requirement for award.** To be eligible for award, the Offeror must comply as follows:

**Hawaii business.** A business entity referred to as a “Hawaii business”, is registered and incorporated or organized under the laws of the State of Hawaii. As evidence of compliance, Offeror shall submit a *CERTIFICATE OF GOOD STANDING* issued by the Department of Commerce and Consumer Affairs Business Registration Division (BREG). A Hawaii business that is a sole proprietorship, however, is not required to register with the BREG, and therefore not required to submit the certificate. An Offeror’s status as sole proprietor or other business entity and its business street address indicated on the Offer Form OF-1 Exhibit A will be used to confirm that the Offeror is a Hawaii business.

**Compliant non-Hawaii business.** A business entity referred to as a “compliant non-Hawaii business,” is not incorporated or organized under the laws of the State of Hawaii but is registered to do business in the State. As evidence of compliance, Offeror shall submit a *CERTIFICATE OF GOOD STANDING*.

To obtain a *CERTIFICATE OF GOOD STANDING* go online to [www.BusinessRegistrations.com](http://www.BusinessRegistrations.com) and follow the prompt instructions. To register or to obtain a “Certificate of Good Standing” by phone, call (808) 586-2727 (M-F 7:45 to 4:30 HST). The “Certificate of Good Standing” is valid for six months from date of issue and must be valid on the date it is received by the purchasing agency.

Offerors are advised that there are costs associated with registering and obtaining a “Certificate of Good Standing” from the DCCA.

**Timely Submission of all Certificates.** The above certificates should be applied for and submitted to the purchasing agency as soon as possible. If a valid certificate is not submitted on a timely basis for award of a contract, an offer otherwise responsive and responsible may not receive the award.

**Final Payment Requirements.** In addition to a tax clearance certificate an original “Certification of Compliance for Final Payment” (SPO Form-22) will be required for final payment. A copy of the Form is available at

[www.spo.hawaii.gov](http://www.spo.hawaii.gov). Select “Forms for Vendors/Contractors” from the Chapter 103D, HRS, pop-up menu.

**J. Proprietary Information:**

Any information deemed proprietary in nature should be clearly marked “proprietary” by the offeror. Failure to designate proprietary information will be subject the Offeror’s proposal to full disclosure and public inspection.

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**PROPOSAL REQUIREMENTS**

## PROPOSAL REQUIREMENTS

### A. SUBMISSION REQUIREMENTS

1. The Original plus five (5) copies (for a total of six (6) copies) of the proposal shall be submitted in a sealed envelope to:

DBEDT, State of Hawaii  
Administrative Services Office/Contracts  
No. 1 Capitol District  
250 South Hotel Street, 5<sup>th</sup> Floor, Room 510-D  
Honolulu, HI 96813

2. The original proposal shall be clearly marked "original" on the upper right hand corner of the cover page and original signatures. Signature in Blue ink is encouraged.
3. **"SOLICITATION No. RFP-05-01-SID"** shall be referenced on the outside of the sealed proposals. **Facsimiles shall not be accepted.**
4. The Administrative Services Office/Contracts must receive sealed proposals, no later than 12:00 p.m., Hawaii Standard Time, September 9, 2004. Proposals shall be time-stamped with the Administrative Services Office/Contracts time clock upon receipt. Late proposals shall not be accepted. The Administrative Services Office/Contracts' time clock shall serve as the official time.
5. **Offerors are cautioned that Federal Express and United Parcel Service deliveries are guaranteed up to 5:00 p.m. of the designated delivery date. Offerors are cautioned to make prior arrangements to ensure delivery by 12:00 p.m. on the proposal due date.**
6. Offerors are to complete and submit the section entitled "Proposal".

### B. OFFEROR'S COVENANTS AND QUALIFICATIONS

1. Proposals shall include completed proposal pages in the section entitled "Proposal." Remove, complete, and submit the appropriate number of copies of the entire section entitled, "Proposal."
2. The proposal must be signed by an authorized representative and a corporate resolution or evidence of authorization to bind must be attached.
3. PLEASE NOTE: The name of the organization filing the proposal must match the name which is either legally registered with the Hawaii Department of Commerce and Consumer Affairs (DCCA) for the Hawaii

corporations, partnerships, or tradenames; or the Department of Taxation for sole proprietors who do not have registered trade names with the DCCA. An out-of-state organization must be legally registered with its appropriate state. Should the proposal include more than one entity or should the offeror anticipate work to be performed through subcontracts, please list all entities or subcontractors and their respective roles in the project.

## **C. PROJECT PROPOSAL**

The proposal shall include, but not be limited to:

### **1. Scope of Work**

- a. A work plan for work described in the "Statement of Work," paragraph B, "Scope of Work," beginning on page 10.
- b. Proposals should include a brief description and history of the CONTRACTOR'S company, specifying organizational and managerial capabilities and relevant expertise in services outlined in the "Scope of Work," beginning on page 10.

### **2. Time Schedule**

- a. All services shall be completed within twenty-four (24) months of the execution date of the Agreement between the State and the Contractor, unless extended per mutual written agreement.
- b. The proposal shall include a timeline for completion of all major tasks. The timeline shall include, but not be limited to: description of each task, duration of each task, schedule of tasks, milestones, and schedule of periodic progress reports with dates for submission.

### **3. Compensation**

- a. The proposal shall be priced and shall include a budget for all tasks in the "Statement of Work," paragraph B, "Scope of Work," beginning on page 10.
- b. The proposal shall include a recommended progress payment schedule based on deliverables, for all tasks as they are satisfactorily completed. Payments shall be made on predetermined progress payments contingent on STATE's approval of specified deliverables.
- c. Only proposals priced at or below \$80,000 shall be considered.

- d. The proposed price shall be passed on a firm fixed fee.
- e. The CONTRACTOR shall be required to obtain a current tax clearance from the State of Hawaii, Department of Taxation and the Internal Revenue Service prior to entering into a contract with the State and again to receive final payment. Offerors are encouraged to immediately apply for a tax clearance, and if possible, to submit their tax clearance with their proposal. A tax clearance application is attached. See Paragraph D, "Tax Clearance," beginning on page 16, for more detailed information.



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**PROPOSAL**

**OFFERORS ARE TO  
COMPLETE AND SUBMIT THIS SECTION FOR THEIR PROPOSALS**

## **PROPOSAL**

### **Analysis of Economic, Environmental, and Occupant Benefits of Sustainable Design and LEED™ Certification for State of Hawaii and K-12 Public School Facilities**

#### **SOLICITATION No. RFP-05-01-SID**

Department of Business, Economic Development and Tourism  
Administrative Services Office/Contracts  
No. 1 Capitol District, 5<sup>th</sup> Floor, Room 510-D  
250 South Hotel Street  
Honolulu, HI 96813

The undersigned has carefully read and understands the terms, conditions and requirements specified in the Request for Proposal attached hereto and hereby submits the following proposal to perform the work specified herein, all in accordance with the true intent and meaning thereof.

The undersigned further understands and agrees to the following:

- That by submitting this proposal, the undersigned is declaring this proposal is not in violation of Chapter 84, Hawaii Revised Statutes, concerning prohibited State contracts;
- That by submitting this proposal, the undersigned is declaring that proposal is being made without collusion with any other person, firm or corporation;
- That the Director of the Department of Business, Economic Development, and Tourism reserves the right to cancel the Request for Proposal at any time and all proposals may be rejected in whole or in part when it is in the best interest of the State;
- That discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award, but a proposal may be accepted without such discussions;
- The undersigned may be required to submit best and final offers based on discussion;
- That award, if any, will be made on a fixed fee basis to the responsive and responsible offeror who has submitted the most advantageous offer in accordance with the evaluation criteria set forth in the Request for Proposal;

- That by submitting this proposal, the undersigned is declaring that if awarded a contract, the undersigned will comply with all requirements for wages, hours and working conditions in accordance with Section 103-55, Hawaii Revised Statutes; and
- The undersigned acknowledges receipt of any addendum issued by the Department of Business, Economic Development, and Tourism by recording in the space below the date of receipt:

Addendum No. 1 \_\_\_\_\_

Addendum No. 2 \_\_\_\_\_

Addendum No. 3 \_\_\_\_\_

Addendum No. 4 \_\_\_\_\_

The undersigned hereby certifies that the proposal hereby attached has been carefully checked and is submitted as correct.

Respectfully submitted,

\_\_\_\_\_  
Exact Legal Name of Offeror (Company Name)

\_\_\_\_\_  
Authorized signature (attach corporate resolution or evidence of authorization to bind)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
Mailing Address (if different from street address)

State of Hawaii General Excise Tax (GET) License Number: \_\_\_\_\_

Federal Taxpayer Identification Number: \_\_\_\_\_

Type of Organization:

\_\_\_\_\_ Individual \_\_\_\_\_ Partnership \_\_\_\_\_ Corporation \_\_\_\_\_ Joint Venture

If offeror is a "dba" or a division of a corporation, furnish the exact legal name of the entity under which the contract, if awarded, will be executed:

\_\_\_\_\_

State of Incorporation: Hawaii \_\_\_\_\_ Other: \_\_\_\_\_

### **PREFERENCES:**

The following preferences apply to this solicitation. A detailed discussion of each preference is included in the section entitled "Special Provisions." Indicate which preferences apply.

1. In state contractor preference: Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, indicate State of Hawaii business street address:

\_\_\_\_\_

\_\_\_\_\_

Street address, City, State, Zip Code

If yes, attach current (issued within 45 days of bid submittal) tax clearance from the State of Hawaii Department of Taxation.

(Note: The bidder may wish to also obtain tax clearance from the Internal Revenue Service at the same time in order to fulfill this requirement if awarded a contract).

2. Tax Adjustments:

Are you an out-of-state business? Yes \_\_\_\_\_ No \_\_\_\_\_

Is your business exempt? Yes \_\_\_\_\_ No \_\_\_\_\_

3. Reciprocal Preferences:

Provide a street address for your principal place of business:

\_\_\_\_\_

\_\_\_\_\_  
Street address, City, State, Zip Code

Are you registered with the State of Hawaii, Department of Commerce and  
Consumer Affairs to do business in the State of Hawaii? Yes\_\_\_\_\_ No\_\_\_\_\_

## QUALIFICATION QUESTIONNAIRE

1. How many years has your organization been in business under your present business name?
2. How many years experience in this field of work has your organization had?
3. Please list projects that your organization has completed in the past that are related to this project:

Name and Address of Project Owner	Description	Contract Amount	Completion Date
--------------------------------------	-------------	--------------------	--------------------


4. Have you ever failed to complete any work awarded to you? \_\_\_\_\_

If so, please provide a brief description of the project, including when and where it took place, and why work was not completed: \_\_\_\_\_


5. Has any officer or partner of your organization in the past five (5) years been an officer, partner or individual of some other organization that failed to complete a contract? \_\_\_\_\_

If so, please provide the name of this individual, other organization, and reason for not completing contract: \_\_\_\_\_


6. For what entities within the State of Hawaii other than government agencies have you performed work and to whom do you refer?

Agency	Project Description	Contact Person	Phone
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7. For what State departments and County agencies of the State of Hawaii have you performed work and to whom do you refer?

Department	Project Description	Contact Person	Phone
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8. Have you performed work for the U.S. Government? \_\_\_\_\_

If so, please provide information regarding agencies you refer:

Agency	Project Description	Contact Person	Phone

9. Have you ever performed any work for any other governmental agencies or entities outside the State of Hawaii? \_\_\_\_\_

If so, please provide information regarding agencies you refer:

Agency	Project Description	Contact Person	Phone

10. List a minimum of three references for work performed similar to this project:

Company	Project Description	Contact Person	Phone

11. What is the professional or project experience of the principal individuals being assigned to this project?

Individual's Name	Position or Title	Years Experience	Type of Work

## **CORPORATE RESOLUTION**

Attach here:

1. Corporate resolution or written authorization of offeror's representative to sign this proposal.



## SOLICITATION No. RFP-05-01-SID

Department of Business, Economic Development, and Tourism  
 Administrative Services Office / Contracts  
 No. 1 Capitol District  
 250 So. Hotel Street, 5th Floor, Room 510D  
 Honolulu, Hawaii 96813

Dear Ms. Eileen Harada:

The undersigned has carefully read and understands the terms and conditions specified in the Specifications and Special Provisions attached hereto, and in the General Conditions, Form 4/15/96 by reference made a part hereof and available upon request; and hereby submits the following offer to perform the work specified herein, all in accordance with the true intent and meaning thereof. The undersigned further understands and agrees that by submitting this offer, 1) he/she is declaring his/her offer is not in violation of Chapter 84, Hawaii Revised Statutes, concerning prohibited State contracts, and 2) he/she is certifying that the price(s) submitted was (were) independently arrived at without collusion.

The undersigned represents: **(Check  $\sqrt$  one only)**

- ☐ A **Hawaii business** incorporated or organized under the laws of the State of Hawaii; **OR**  
☐ A **Compliant Non-Hawaii business** not incorporated or organized under the laws of the State of Hawaii, but registered at the State of Hawaii Department of Commerce and Consumer Affairs Business Registration Division to do business in the State of Hawaii.

State of incorporation: \_\_\_\_\_

Offeror is:

- ☐ Sole Proprietor    ☐ Partnership    ☐ Corporation    ☐ Joint Venture  
☐ Other \_\_\_\_\_

Federal I.D. No.: \_\_\_\_\_

Hawaii General Excise Tax License I.D. No.: \_\_\_\_\_

Payment address (other than street address below): \_\_\_\_\_  
 City, State, Zip Code: \_\_\_\_\_

Business address (street address): \_\_\_\_\_  
 City, State, Zip Code: \_\_\_\_\_

Respectfully submitted:

**(x)** \_\_\_\_\_  
 Authorized (Original) Signature

Date: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

\_\_\_\_\_  
 Name and Title (Please Type or Print)

Fax No.: \_\_\_\_\_

\* \_\_\_\_\_  
**Exact Legal Name of Company (Offeror)**

E-mail Address: \_\_\_\_\_

\*If Offeror is a "dba" or a "division" of a corporation, furnish the exact legal name of the corporation under which the awarded contract will be executed:

**TAX CLEARANCE**

Attach tax clearance from the State of Hawaii, Department of Taxation in order to receive an in-State contract preference.

**NOTE: A TAX CLEARANCE FROM THE STATE OF HAWAII, DEPARTMENT OF TAXATION AND THE U.S. INTERNAL REVENUE SERVICE IS REQUIRED PRIOR TO ENTERING INTO AN AGREEMENT WITH THE STATE. IN THE INTEREST OF TIME, CONTRACTORS ARE ENCOURAGED TO SECURE SUCH CLEARANCE IN ADVANCE AND TO SUBMIT THEM WITH THEIR PROPOSAL.**

STATE OF HAWAII — DEPARTMENT OF TAXATION  
**TAX CLEARANCE APPLICATION**  
PLEASE TYPE OR PRINT CLEARLY

**1. APPLICANT INFORMATION:** (PLEASE PRINT CLEARLY)

Applicant's Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip Code \_\_\_\_\_

DBA/Trade Name \_\_\_\_\_

**2. TAX IDENTIFICATION NUMBER(S):** (Complete applicable ID numbers)

HAWAII GENERAL EXCISE ID # \_\_\_\_\_

FEDERAL EMPLOYER ID # \_\_\_\_\_  
(FEIN)

SOCIAL SECURITY #(SSN) \_\_\_\_\_

**3. APPLICANT IS A/AN:** (CHECK ONLY ONE BOX)

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> CORPORATION  | <input type="checkbox"/> S CORPORATION                 | <input type="checkbox"/> TAX EXEMPT ORGANIZATION               |
| <input type="checkbox"/> INDIVIDUAL   | <input type="checkbox"/> PARTNERSHIP                   | <input type="checkbox"/> ESTATE <input type="checkbox"/> TRUST |
| <input type="checkbox"/> LIMITED LIABILITY COMPANY  | <input type="checkbox"/> LIMITED LIABILITY PARTNERSHIP |  |
| <input type="checkbox"/> Single Member LLC disregarded as separate from owner; enter owner's FEIN/SSN _____ |  |  |

**4. THE TAX CLEARANCE IS REQUIRED FOR:**

- |   |   |
|---|---|
| <input type="checkbox"/> CITY, COUNTY, OR STATE GOVERNMENT CONTRACT IN HAWAII * | <input type="checkbox"/> LIQUOR LICENSE *   |
| <input type="checkbox"/> REAL ESTATE LICENSE                                    | <input type="checkbox"/> CONTRACTOR LICENSE |
| <input type="checkbox"/> FINANCIAL CLOSING                                      | <input type="checkbox"/> PROGRESS PAYMENT   |
| <input type="checkbox"/> HAWAII STATE RESIDENCY                                 | <input type="checkbox"/> FEDERAL CONTRACT   |
| <input type="checkbox"/> SUBCONTRACT  | <input type="checkbox"/> OTHER _____        |
|   | <input type="checkbox"/> BULK SALES         |
|   | <input type="checkbox"/> PERSONAL           |
|   | <input type="checkbox"/> LOAN               |

\* IRS APPROVAL STAMP IS ONLY FOR PURPOSES INDICATED BY ASTERISK.

**5. NO. OF CERTIFIED COPIES REQUESTED:**

**6. SIGNATURE:**

PRINT NAME

PRINT TITLE: Corporate Officer, General Partner or Member, Individual (Sole Proprietor), Trustee, Executor

SIGNATURE

DATE

( ) -  
TELEPHONE

( ) -  
FAX

**POWER OF ATTORNEY.** If submitted by someone other than a Corporate Officer, General Partner or Member, Individual (Sole Proprietor), Trustee, or Executor, a power of attorney (State of Hawaii, Department of Taxation, Form N-848) must be submitted with this application. If a Tax Clearance is required from the Internal Revenue Service, IRS Form 8821, or IRS Form 2848 is also required. Applications submitted without proper authorization will be sent to the address of record with the taxing authority. **UNSIGNED APPLICATIONS WILL NOT BE PROCESSED.**

**PLEASE TYPE OR PRINT CLEARLY — THE FRONT PAGE OF THIS APPLICATION BECOMES THE CERTIFICATE UPON APPROVAL.**

**SEE PAGE 2 ON REVERSE & SEPARATE INSTRUCTIONS.** Failure to provide required information on page 2 of this application or as required in the separate instructions to this application will result in a denial of the Tax Clearance request.

FOR OFFICE USE ONLY
BUSINESS START DATE IN HAWAII IF APPLICABLE / /
HAWAII RETURNS FILED IF APPLICABLE 19____ 19____
STATE APPROVAL STAMP
*IRS APPROVAL STAMP
CERTIFIED COPY STAMP

7. **CITY, COUNTY, OR STATE GOVERNMENT CONTRACT:** ☐ Bid/Entering Into a Contract ☐ Completion/Final Payment  
For completion/final payment of contract, please provide the name and telephone number of the contact person at the State or County Agency.  
Name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_
8. **LIQUOR LICENSING:** ☐ Initial ☐ Renewal ☐ Transfer-Seller ☐ Transfer-Buyer ☐ Special Event
9. **CONTRACTOR LICENSING:** ☐ Initial ☐ Renewal
10. **STATE RESIDENCY:** DATE APPLICANT ARRIVED IN HAWAII \_\_\_\_\_
11. **ACCOUNTING PERIOD:** ☐ Calendar year ☐ Fiscal year ending \_\_\_\_\_ (MM/DD)
12. **TAX EXEMPT ORGANIZATION:**  
A) Provide the Internal Revenue Code Section that applies to your exemption. \_\_\_\_\_  
B) Does your organization file federal Form 990-T, Exempt Organization Business Income Tax Return? ☐ YES ☐ NO
13. **CORPORATION:** Parent's Corporation Name \_\_\_\_\_ FEIN \_\_\_\_\_
14. **INDIVIDUAL:** Spouse's Name \_\_\_\_\_ SSN \_\_\_\_\_
15. **IF YOU DO NOT HAVE A GENERAL EXCISE TAX LICENSE AND REQUIRE A TAX CLEARANCE FOR A GOVERNMENT CONTRACT:**  
A) Has your firm had any business income in Hawaii prior to the Bid? ☐ YES ☐ NO  
B) Does your firm have an office, inventory, property, employees, or other representatives in the State of Hawaii? ☐ YES ☐ NO  
C) Has your firm provided any services within the State of Hawaii? ☐ YES ☐ NO
16. **FILING THE APPLICATION FOR TAX CLEARANCE:**

The completed application may be mailed, faxed, or submitted in person to the Department of Taxation, Taxpayer Services Branch. Applications which require an Internal Revenue Service Tax Clearance will be forwarded to the Internal Revenue Service after processing is completed by the Department of Taxation. Allow up to 10 to 15 business days for processing between the Department of Taxation and the Internal Revenue Service.

State Dept. of Taxation  
TAXPAYER SERVICES BRANCH  
P.O. BOX 259  
HONOLULU, HI 96809-0259  
TELEPHONE NO.: 808-587-4242  
TOLL FREE: 1-800-222-3229  
FAX NO.: 808-587-1488  
or  
830 PUNCHBOWL STREET  
HONOLULU, HI 96813-5094

Internal Revenue Service  
WAGE & INVESTMENT DIVISION  
-TC M/S H214  
FIELD ASSISTANCE GROUP 174  
300 ALA MOANA BLVD., #50089  
HONOLULU, HI 96850  
TELEPHONE NO.: 808-539-1555  
FAX NO.: 808-539-1573  
or  
TAXPAYER ASSISTANCE CENTER  
HONOLULU:  
300 ALA MOANA BLVD., RM 1-128

Applications are available at Department of Taxation and IRS offices in Hawaii, and may also be requested by calling the Department of Taxation's Forms By Fax/Mail request line on Oahu at 808-587-7572 or toll-free at 1-800-222-7572. The Tax Clearance Application, Form A-6, can be downloaded from the Department of Taxation's website ([www.state.hi.us/tax](http://www.state.hi.us/tax)).

----- FOR OFFICE USE ONLY -----

TYPE OF TAX	TAX RETURNS FILED STATUS	Clerk's Initials	ITEMS RECEIVED
INCOME			
GENERAL EXCISE/USE			
HAWAII WITHHOLDING			
TRANSIENT ACCOMMODATIONS			
RENTAL MOTOR/TOUR VEHICLE			
UNEMPLOYMENT INSURANCE			
OTHER TAXES			

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS APPLICATION

Attach FORM LIR # 27 from the State of Hawaii, Department of Labor and Industrial Relations.

**HRS Chapters 383 (Unemployment Insurance), 386 (Workers' Compensation), 392 (Temporary Disability Insurance), and 393 (Prepaid Health Care) requirements for award.** Instructions are as follows:

Pursuant to §103D-310(c), HRS, successful Offeror shall be required to submit an approved certificate of compliance issued by the Hawaii State Department of Labor and Industrial Relations (DLIR). The certificate is valid for six (6) months from the date of issue and must be valid on the date it is received by the purchasing agency.

The certificate of compliance shall be obtained on the State of Hawaii, *DLIR APPLICATION FOR CERTIFICATE OF COMPLIANCE WITH SECTION 3-122-112, HAR*, Form LIR#27 which is available at [www.dlir.state.hi.us/LIR#27](http://www.dlir.state.hi.us/LIR#27), or at the neighbor island DLIR District Offices. The DLIR will return the form to the Offeror who in turn shall submit it to the purchasing agency.

The application for the certificate is the responsibility of the Offeror, and must be submitted directly to the DLIR and not to the purchasing agency.

**NOTE: LABOR AND INDUSTRIAL RELATIONS APPLICATION FROM THE STATE OF HAWAII, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, THE UNEMPLOYMENT INSURANCE DIVISION AND DISABILITY COMPENSATION DIVISION IS REQUIRED PRIOR TO ENTERING INTO AN AGREEMENT WITH THE STATE. IN THE INTEREST OF TIME, CONTRACTORS ARE ENCOURAGED TO SECURE SUCH CLEARANCE IN ADVANCE AND TO SUBMIT THEM WITH THEIR PROPOSAL.**

**STATE OF HAWAII**  
**DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**  
**APPLICATION FOR CERTIFICATE OF COMPLIANCE WITH SECTION 3-122-112, HAR**

**1. APPLICANT INFORMATION: (Please Type or Print Clearly)**

\*Applicant's Business Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip Code \_\_\_\_\_

DBA/Trade Name \_\_\_\_\_

\* Business name must be the same name submitted with the applicant's bid or proposal.

**2. IDENTIFICATION NUMBER(S): (Complete Applicable ID Numbers)**

Department of Labor ID# \_\_\_\_\_

Federal Employer ID# (FEIN) \_\_\_\_\_

**3. APPLICANT IS: (Check Only One Box)**

- ☐ CORPORATION    ☐ S CORPORATION    ☐ TAX EXEMPT ORGANIZATION  
☐ INDIVIDUAL (SOLE PROPRIETOR)    ☐ PARTNERSHIP    ☐ ESTATE    ☐ TRUST  
☐ LIMITED LIABILITY COMPANY    ☐ LIMITED LIABILITY PARTNERSHIP  
☐ SINGLE MEMBER LLC WHO IS SEPARATE FROM OWNER (ENTER FEIN)

**4. EMPLOYEES:**

- (a) Do you currently have any employees performing services in the State of Hawaii?  
☐ YES    ☐ NO\*

\*If answered "no", please complete question 4(b).

- (b) Will you in the future have any employees performing services in the State of Hawaii?  
☐ YES\*    ☐ NO

\*If answered "yes", please complete below.

Date of Employment \_\_\_\_\_

Scope of Services \_\_\_\_\_

Length of Employment \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b>
BUSINESS START DATE IN HAWAII IF APPLICABLE  /    /
DLIR Log No. _____
Date Received _____
Unemployment Insurance Division Approval Stamp
Disability Compensation Division Approval Stamp

**NOTE:** If this application is stamped "PENDING", another LIR#27 must be submitted when employees are performing services in the State to determine compliance with the State of Hawaii labor laws. Approvals by both divisions constitute a certificate of compliance with labor laws based on information available to the department as of the approval dates. **THE FRONT PAGE OF THIS APPLICATION BECOMES THE CERTIFICATE UPON APPROVAL.**

UNSIGNED APPLICATIONS WILL NOT BE PROCESSED.

PLEASE TYPE OR PRINT CLEARLY.

SEE BELOW FOR FILING INSTRUCTIONS. Failure to provide above required information on this application will result in a denial of this request.

5. SIGNATURE:

<hr/> PRINT NAME Executor	<hr/> PRINT TITLE: Corporate Officer, General Partner or Member, Individual (Sole Proprietor), Trustee,
<hr/> SIGNATURE	<hr/> DATE
	<hr/> TELEPHONE
	<hr/> FAX

**FILING INSTRUCTIONS FOR THE  
CERTIFICATE OF COMPLIANCE WITH SECTION 3-122-112, HAR**

Applications are available at the addresses below and can be downloaded from the Department of Labor and Industrial Relations website ([www.dlir.state.hi.us/LIR#27](http://www.dlir.state.hi.us/LIR#27)).

**SUBMIT** (mail, fax, or deliver) completed application only to the Department of Labor and Industrial Relations, **ADMINISTRATIVE SERVICES OFFICE\***. Allow up to 7 business days for processing.

* Administrative Services Office 830 Punchbowl St., Rm. 309 Honolulu, HI 96813 Ph: (808) 586-8888 Fax: (808) 586-8899	Unemployment Insurance Division 830 Punchbowl St., Rm. 437 Honolulu, HI 96813 Ph: (808) 586-8913 or 586-8914 Fax: (808) 586-8929	Disability Compensation Division 830 Punchbowl St., Rm. 209 Honolulu, HI 96813 Ph: (808) 586-9161 Fax: (808) 586-9219
East Hawaii District Office 75 Aupuni St., #108 Hilo, HI 96720 Ph: (808) 974-6464 Fax: (808) 974-6460		West Hawaii District Office Ashikawa Building 81-990 Halekii St., #2087 Kealahou, HI 96750 Ph: (808) 322-4808 Fax: (808) 322-4813
Maui District Office 2264 Aupuni St. Wailuku, HI 96793 Ph: (808) 984-2078 Fax: (808) 984-2071		Kauai District Office 3060 Eiwa St., #202 Lihue, HI 96766 Ph: (808) 274-3351 Fax: (808) 274-3355

**PROPOSAL**

Attach project proposal in accordance with paragraph C., "Project Proposal," beginning on page 23.



**EXHIBIT E**

**DBEDT GENERAL TERMS AND CONDITIONS**

Attach DBEDT General Terms and Conditions (April 15, 1996)

**EXHIBIT F**

**Hawaii Administrative Rules Section 3-122-112**

the public and the basis for the acceptance is explained in the written determination. [Eff 7/25/02; comp 11/15/03 ] (Auth: HRS §§103D-202, 103D-310) (Imp: HRS §103D-310)

§3-122-112 Responsibility of offerors. (a) The offeror, as proof of compliance with the requirements of section 103D-310(c), HRS, upon award of a contract made pursuant to sections 103D-302, 103D-303, 103D-304, or 103D-306, HRS, shall provide:

- (1) A tax clearance certificate from the department of taxation and the Internal Revenue Service, subject to section 103D-328, HRS, current within six months of issuance date;
- (2) A certificate of compliance for chapters 383, 386, 392, and 393, HRS, from the department of labor and industrial relations, current within six months of issuance date; and
- (3) A certificate of good standing from the business registration division of the department of commerce and consumer affairs, current within six months of issuance date.

(b) For small purchase awards made pursuant to sections 103D-304 and 103D-305, HRS, the offeror shall provide only upon request of the purchasing agency, the certificates in subsection (a) (1), (2), or (3).

(c) All state and county procurement officers or agents shall withhold final payment of a contract included in subsection (a), until receipt of:

- (1) A tax clearance certificate from the director of taxation and the Internal Revenue Service, subject to section 103D-328, HRS, current within two months of issuance date; and
- (2) A certification from the contractor affirming that the contractor has, as applicable, remained in compliance with all laws as required by this section. A contractor making a false affirmation shall be suspended and may be debarred pursuant to section 103D-702, HRS.

(d) This section shall not apply to any contract to the extent it jeopardizes federal funding. [Eff 11/15/03 ] (Auth: HRS §§103D-202, 103D-310) (Imp: HRS §103D-310)

§§3-122-113 to 3-122-115 (Reserved).

**DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**SPECIAL CONDITIONS**

**ATTACHMENT A**

## **Special Conditions**

1. Retention and Examination of Records. Financial records, supporting documents, statistical records and all other records pertinent to this Agreement shall be retained for a period of six (6) years following the completion of this Agreement. The CONTRACTOR agrees that DBEDT or any of its duly authorized representatives shall have access to, and the right to examine and audit any directly pertinent books, documents, paper, and records of the CONTRACTOR involving transactions related to this Agreement for a period of six (6) years following completion of this Agreement. If any litigation, claim, negotiation, audit or other action involving records has been started before the expiration of the six-year period, the records will be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular six-year period, whichever is later.
2. Federal Audit Requirement. In accordance with S-1579 (Public Law 104-156), the CONTRACTOR may be subject to single audit requirements if the CONTRACTOR expends a total amount of federal awards equal to or in excess of \$300,000.00 in aggregate expenditures for related programs.
3. Acknowledgment Statement. The CONTRACTOR may publish results or other materials of their work. However, all publications and reports produced under this Agreement are subject to the patent rights provisions of the federal grant funding this Agreement and shall contain the following statement:

“This (material) was prepared with the support of the U.S. Department of Energy, grants. However, any opinions, findings, conclusions, or recommendations expressed herein are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Energy, the State of Hawaii, or any agency or employee thereof.”
4. Compliance with Additional Federal Requirements. The CONTRACTOR shall comply with all applicable federal laws and rules which are available for inspection in the office of the State of Hawaii Department of Business, Economic Development, and Tourism’s Strategic Industries Division, 235 South Beretania Street, Room 506, Honolulu, Hawaii, and which include, but are not limited to:
  - a. U.S. Office of Management and Budget Circular A-87 and A-133; the State Energy Program Regulations; and the U.S. Department of Energy Financial Assistance Rules, 10 CFR Chapter II, Part 600; and
  - b. U.S. Department of Energy Assurances, Non-Construction Programs, Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters, and Drug-Free Workplace Requirements, and Assurance of Compliance Non-Discrimination in Federally Assisted Programs.